

1 **SHAPIRO & SUTHERLAND, LLC**
2 1499 SE Tech Center Place, Suite 255
3 Vancouver, WA 98683
4 Telephone: (360)260-2253
5 S&S No. 18-124290

Honorable Judge Christopher M. Alston
Chapter: 7
Hearing Date: February 20, 2019
Hearing Time: 01:00 PM
Response Date: February 13, 2019

6 **UNITED STATES BANKRUPTCY COURT**
7 **FOR THE WESTERN DISTRICT OF WASHINGTON**

8 In Re:

Case No. 18-14257-CMA

9 Gaylen Operia Tibbitt

10 Debtor.

**FIRST AMENDED NOTICE OF MOTION FOR
RELIEF FROM STAY BY THE BANK OF NEW
YORK MELLON, F/K/A THE BANK OF NEW
YORK AS TRUSTEE FOR REGISTERED
HOLDERS OF CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-7, SERVICED BY
CARRINGTON MORTGAGE SERVICES, LLC**

12 PLEASE TAKE NOTICE THAT The Bank of New York Mellon, f/k/a The Bank of New
13 York as Trustee for registered holders of CWABS, Inc., asset-backed certificates, series 2005-7,
14 serviced by Carrington Mortgage Services, LLC will bring before the above Court, located at
15 **Kitsap County Courthouse, 614 Division St., Courtroom 104, Port Orchard, WA 98366**, a
16 motion for relief from the automatic stay pursuant to 11 U.S.C. §362 regarding the subject
17 property commonly known as 13497 Tenino Dr. W, Bremerton, WA 98312 and legally described
18 as listed in the deed of trust attached as an exhibit to the declaration filed with the court.

19 THE HEARING IS SET AS FOLLOWS:

20 Judge: Honorable Christopher M. Alston

21 Place: Kitsap County Courthouse, Courtroom 104

22 Date: February 20, 2019

23 Time: 01:00 PM

24 IF YOU OPPOSE the Motion, you must file your written response with the Court Clerk,
25 serve two copies on the Judge's chambers, and deliver copies to the undersigned NOT LATER
26 THAN the RESPONSE DATE, which is February 13, 2019.

1 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,
2 GRANT THE MOTION PRIOR TO THE HEARING, WITHOUT FURTHER NOTICE, and
3 strike the hearing.

4 Questions or Concerns about this motion should first be directed to your attorney as the
5 moving party's attorney's ability to assist you may be limited by the rules of professional
6 conduct.

7 DATED this 14th day of January, 2019.

8 **SHAPIRO & SUTHERLAND, LLC**

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10 By: /s/ Kelly Sutherland
11 Kelly D. Sutherland, WSBA# 21889
12 Attorneys for Creditor
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28 2 – FIRST AMENDED NOTICE OF MOTION FOR
RELIEF FROM AUTOMATIC STAY

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255
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DECLARATION OF MAILING

10 Debtor.

11 I, Laurisa Lyubar, being duly sworn depose and say the following:

12 1. On January 14, 2019, I deposited in the United States Mail, postage prepaid,
13 copies of a First Amended Notice of Hearing of Motion for Relief from Stay pursuant to Local
14 Bankruptcy Rule 9013.

15 2. The parties given notice of the Motion by Wells Fargo Bank, National
16 Association, as Trustee for Lehman Mortgage Trust Mortgage Pass-Through Certificates, Series
17 2007-4, as serviced by Nationstar Mortgage LLC d/b/a Mr. Cooper, were served by depositing a
18 copy of the same in the United States mail postage prepaid addressed as follows:
19

20 Gaylen Operia Tibbitt
21 13497 Tenino Drive W
22 Bremerton, WA 98312

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27 1 – DECLARATION OF MAILING

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255
Vancouver, WA 98683
Telephone: (360) 260-2253

1 **Via ECF Notice:**

2 John S Peterson
3 PO Box 829
4 Kingston, WA 98346

5 United States Trustee
6 700 Stewart St Ste 5103
7 Seattle, WA 98101

8
9 Dated this 14th day of January, 2019.

10 /s/ Laurisa Lyubar

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12 Laurisa Lyubar
13 Legal Assistant
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27 2 – DECLARATION OF MAILING

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